

R. R. asks the Utah Labor Commission to review Administrative Law Judge Sessions' denial of Mr. R.'s claim for benefits under the Utah Occupational Disease Act ("the Act"; Title 34A, Chapter 3, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated §63-46b-12 and §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Mr. R. seeks occupational disease benefits from Dixie Regional Medical Center and IHC Risk Management (referred to jointly as "IHC" hereafter). Mr. R. claims that he suffers from respiratory problems due to mold exposure as a result of his employment. Judge Sessions held an evidentiary hearing on this matter on January 17, 2006. Because of conflicting medical opinions submitted by the parties, Judge Sessions referred the medical aspects of the claim to an impartial medical panel.

The panel submitted its report to Judge Sessions on April 22, 2006. Neither party objected to the report. On May 10, 2006, Judge Sessions issued his decision adopting the report and, on that basis, denying Mr. R.'s claim. Specifically, Judge Sessions concluded that Mr. R.'s work at IHC did not cause his current medical problems.

In requesting review of Judge Sessions' decision, Mr. R. argues that other medical evidence in the record contradicts the medical panel's report and establishes that his work at IHC did, in fact, cause his medical problems.

FINDINGS OF FACT

The Commission affirms and adopts Judge Sessions' findings of fact. In particular, the Commission concurs with Judge Sessions' reliance on the medical panel's opinion that no causal connection exists between Mr. R.'s work at IHC and his occupational disease claim.

DISCUSSION AND CONCLUSIONS OF LAW

Section 34A-3-104(1) of the Utah Occupational Disease Act requires employers to pay "disability and medical benefits to every employee who becomes disabled . . . by reason of an occupational disease under the terms of this chapter." Section 34A-3-103 of the Act defines "occupational disease" as ". . . any disease or illness that arises out of and in the course of employment **and is medically caused or aggravated by that employment.**" (Emphasis added.)

Mr. R. argues that the fact he was healthy before the work exposure and became ill afterwards is proof of a medical connection between his work and his illness. However, the Commission is persuaded by the medical panel's contrary opinion. The panel, consisting of an impartial medical expert, personally examined Mr. R. and reviewed Mr. R.'s medical history, as well as the opinions of other medical specialists who had previously examined Mr. R.. The panel then

issued a thorough and well-reasoned report that found no medical causal connection between Mr. R.'s current medical problems and his work at IHC. The Commission accepts the panel's report and, therefore, agrees with Judge Sessions' denial of Mr. R.'s claim for benefits.

ORDER

The Commission affirms Judge Sessions' decision and denies Mr. R.'s motion for review. It is so ordered.

Dated this 20th day of June, 2006.

R. Lee Ellertson
Utah Labor Commissioner